

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky File No. 04-30730-GFK
Chapter 13

ROBERT EVAN COVEY

Debtor

NOTICE OF MOTION AND MOTION FOR ALLOWANCE OF
COMPENSATION BY G. MARTIN JOHNSON, LTD.
COUNSEL FOR THE DEBTOR

1. G. MARTIN JOHNSON, LTD., ("Applicant") moves the Court for allowance of compensation for services and reimbursement of expenses.
2. The Court will hold a hearing on this Motion on November 1, 2004 at 1:30 p.m. in Courtroom 228B, Warren E. Burger Federal Building, 316 North Robert Street, St. Paul, MN 55101, or as soon thereafter as counsel can be heard.
3. Any objection to this Motion must be filed and delivered not later than 1:30 p.m. on October 27, 2004, which is three days before the time set for the hearing (excluding Saturdays, Sundays and holidays), or filed and served by mail not later than October 21, 2004, which is seven days before the time set for hearing (excluding Saturdays, Sundays and holidays). **UNLESS A RESPONSE OPPOSING THE MOTION IS TIMELY FILED, THE COURT MAY GRANT THE MOTION WITHOUT HEARING.**
4. This Court has jurisdiction under 28 U.S.C. Sec §§157 and 1334, Fed. R. Bankr. P. 5005, and Local Rule 1070-1.

NARRATIVE SECTION:

5. This Case was commenced by the filing of voluntary petition under Chapter 7 on February 11, 2004 and was converted to a case under Chapter 13 on July 16, 2004. This case is still pending in this court.
6. Applicant has filed no prior Motions for payment of fees and/or expenses. No caps or limitations have been agreed upon with regard to Applicant's fees.
7. The names of all the Applicant's professionals and paraprofessionals requesting fees and the hourly rate charged by each is as follow:

G. Martin Johnson	\$200.00
Laurel A. Correll	\$125.00

The above rates are comparable to that charged nonbankruptcy clients for similar services. No agreements or understanding exists regarding the sharing of fees with any other entity or individual.

8. This Motion is a final motion. No interim motions have been applied for or received.

9. This Motion covers the period from May 26, 2004 through September 30, 2004.

CASE STATUS:

10. To the best of Applicant's knowledge, the financial condition and status of the case is as follows:

a. Cash on hand or on deposit:	unknown
b. Amount of and nature of accrued unpaid administrative expenses:	none other than Applicants
c. Amount of unencumbered funds in estate:	unknown
d. Operating profit or loss:	unknown

11. On September 23, 2004, the Court entered an Order Confirming Debtor's Chapter 13 Plan.

PROJECT SUMMARY:

12. The services rendered are reflected on Exhibit A in chronological order and on Exhibit B by category.

- Case Administration

Services rendered consisted of review of file, conferences with client, and conferences with creditors regarding conversion to Chapter 13. Telephone conference regarding anticipated budget and impact of post dissolution issues. Preparation of Response to 707(b) motion. Filing of 2003 Federal and Minnesota tax returns. Conversations with IRS regarding Proof of Claims. Preparation of documents for continuance.

Hours	16.40	
Fees		\$2,920.00

- Creditors Meeting

Services rendered consist of preparation for and attendance at 341 meeting.

Hours	2.50	
Fees		\$462.50

Fee Application

Services rendered consist of preparing motion for approval of fees and expenses in conformity with the local rules.

Hours	1.00	
Fees		\$200.00

- Petition/Plan Preparation

Services rendered consist of preparation of petition and plan. Preparation of amended schedules and plan. Conference with client regarding conversion schedules and plan.

Hours	5.40	
Fees		\$1, 042.50

13. On information and belief, the Trustee has on hand unrestricted funds collected by the Estate out of which the fees would be paid in accordance with Debtor's Chapter 13 Plan dated July 13, 2004.

VERIFICATION

The undersigned declares, under penalty of perjury, that he has reviewed the Motion for compensation and reimbursement for expenses and believes the information contained therein to be true and correct, to the best of his knowledge and belief. G. MARTIN JOHNSON, LTD. has incurred time in the amount of \$4,625.00 and expenses in the amount of \$165.28. G. MARTIN JOHNSON, LTD. requests the Court to allow it Final compensation in the amount of \$2,834.72 and reimbursement of expenses in the amount of \$165.28 for a total of \$3,000.00.

Dated: October 4, 2004

G. MARTIN JOHNSON, LTD.

By: /e/ G. Martin Johnson
G. Martin Johnson (0052279)
Attorney for Debtor
3800 West Old Shakopee Road
Bloomington, MN 55431
Tel: 952-881-9758
Fax: 952-881-2172

G. MARTIN JOHNSON, LTD.
ATTORNEY AT LAW

3800 WEST OLD SHAKOPEE ROAD

BLOOMINGTON, MINNESOTA 55431

TELEPHONE (952) 881-9758

FAX (952) 881-2172

EMAIL: gmjohnson@isd.net

12400 PORTLAND AVENUE SOUTH

SUITE 132

BURNSVILLE, MINNESOTA 55337

TELEPHONE: (952) 882-1566

September 30, 2004

INVOICE

Invoice submitted to:

Robert Covey

1204 Poppyseed Drive

New Brighton MN 55112

In Reference

To:

File No.

Professional Services

<u>Time</u>		<u>Hours</u>	<u>Amount</u>
5/26/2004 GMJ	Preparation of Response to 707(b) motion.	2.50	500.00
5/27/2004 CAS	Finalization 707(b) response.	1.50	187.50
5/28/2004 GMJ	Telephone conference with client regarding Response; amend same and email to client.	0.40	80.00
6/1/2004 GMJ	Revise and finalize response; prepare for e-filing; e-filing with Court.	1.00	200.00
6/10/2004 LAC	Letter to IRS regarding verification of Bankruptcy filing	0.50	62.50
6/14/2004 GMJ	Telephone conference with Trustee's office regarding income tax calculations; review and project calculations under 3 year plan.	1.00	200.00
6/15/2004 GMJ	Research 707(b) cases regarding percentage.	1.30	260.00
6/16/2004 GMJ	Telephone conference with client regarding income tax return calculation.	0.30	60.00
GMJ	Telephone conference with regarding trustee's calculations regarding substantial abuse.	0.50	100.00
6/17/2004 GMJ	Telephone conference with Trustee regarding budget issues; Telephone conference with client regarding same.	0.50	100.00
6/18/2004 GMJ	Telephone conference with Sarah Wencil regarding client's willingness to consent to conversion to chapter 13.	0.20	40.00
6/19/2004 GMJ	Prepare conversion application; email to client for signature.	1.00	200.00
7/1/2004 GMJ	Prepare amended schedules and plan.	1.50	300.00
7/8/2004 GMJ	Telephone conference with regarding anticipated budget and impact of post dissolution issues.	0.40	80.00



		<u>Hours</u>	<u>Amount</u>
7/8/2004	GMJ	Finalize amended schedules; finalize amended plan; Telephone conference with client regarding same.	2.00 400.00
7/13/2004	GMJ	Conference with client regarding review and execution of conversion schedules and plan; finalize same; Telephone conference with Clerk's office regarding filing procedure; prepare same for e-filing.	1.40 280.00
7/16/2004	LAC	Letter to Michael Iannacone regarding conversion notice from Chapter 7 to Chapter 13	0.50 62.50
	LAC	Preparation of documents for e-filing with Court conversion from chapter 7 to chapter 13; e-filing of same	0.50 62.50
	LAC	Filing with IRS and State of MN 2003 tax returns	0.50 62.50
7/23/2004	LAC	Phone conversation with trustee regarding plan payments minus amount paid to chapter 7 trustee	0.30 37.50
7/26/2004	CAS	Receive and review 341 notice; mail petition with notice to client.	0.50 62.50
	GMJ	Telephone conference with Court regarding terms of plan.	0.30 60.00
8/11/2004	GMJ	Travel to 341 meeting; attend same; return to office.	2.00 400.00
8/21/2004	GMJ	Telephone conference with Linda Ganyo regarding amended proof of claim.	0.30 60.00
8/23/2004	GMJ	Telephone conference with IRS regarding amended proof of claim.	0.30 60.00
	GMJ	Telephone conference with IRS regarding amended proof of claim.	0.30 60.00
8/25/2004	GMJ	Prepare Notice of Continuance of Confirmation Hearing; prepare service notice; prepare for e-filing.	1.00 200.00
	LAC	Preparation of documents for continuance document for e-filing with Court; e-filing of same, mail to all parties service list	1.00 125.00
8/26/2004	LAC	Phone conversation with Maragret Culp regarding Proof of claim from IRS and resolving issues regarding possible modified plan	0.50 62.50
9/20/2004	GMJ	Telephone conference with Linda Ganyo regarding IRS collection activity out of New York.	0.30 60.00
9/30/2004	GMJ	Begin Fee Application	1.00 200.00
SUBTOTAL:		[25.30	4,625.00]
For professional services rendered		25.30	\$4,625.00

Additional Charges :

	<u>Amount</u>
\$Copies	60.00
\$Fax	20.00
\$Parking	7.00
\$Postage	<u>78.28</u>
Total costs	\$165.28
	<hr/>
Total amount of this bill	\$4,790.28
	<hr/>
Balance due	<u><u>\$4,790.28</u></u>

G. MARTIN JOHNSON, LTD.
ATTORNEY AT LAW

3800 WEST OLD SHAKOPEE ROAD
BLOOMINGTON, MINNESOTA 55431
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12400 PORTLAND AVENUE SOUTH
SUITE 132
BURNSVILLE, MINNESOTA 55337
TELEPHONE: (952) 882-1566

September 30, 2004

INVOICE

Invoice submitted to:

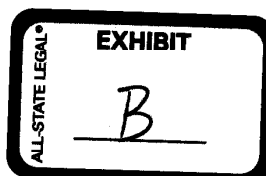
Robert Covey
1204 Poppyseed Drive
New Brighton MN 55112

In Reference

To: File No.

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		<u>Hours</u>	<u>Amount</u>
<u>CASE ADMINISTRATION</u>			
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6/1/2004	GMJ Revise and finalize response; prepare for e-filing; e-filing with Court.	1.00	200.00
6/10/2004	LAC Letter to IRS regarding verification of Bankruptcy filing	0.50	62.50
6/14/2004	GMJ Telephone conference with Trustee's office regarding income tax calculations; review and project calculations under 3 year plan.	1.00	200.00
6/15/2004	GMJ Research 707(b) cases regarding percentage.	1.30	260.00
6/16/2004	GMJ Telephone conference with client regarding income tax return calculation.	0.30	60.00
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6/18/2004	GMJ Telephone conference with Sarah Wencil regarding client's willingness to consent to conversion to chapter 13.	0.20	40.00
6/19/2004	GMJ Prepare conversion application; email to client for signature.	1.00	200.00
7/8/2004	GMJ Telephone conference with regarding anticipated budget and impact of post dissolution issues.	0.40	80.00



			<u>Hours</u>	<u>Amount</u>
7/16/2004	LAC	Filing with IRS and State of MN 2003 tax returns	0.50	62.50
	LAC	Letter to Michael Iannacone regarding conversion notice from Chapter 7 to Chapter 13	0.50	62.50
7/23/2004	LAC	Phone conversation with trustee regarding plan payments minus amount paid to chapter 7 trustee	0.30	37.50
7/26/2004	GMJ	Telephone conference with Court regarding terms of plan.	0.30	60.00
8/21/2004	GMJ	Telephone conference with Linda Ganyo regarding amended proof of claim.	0.30	60.00
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	LAC	Preparation of documents for continuance document for e-filing with Court; e-filing of same, mail to all parties service list	1.00	125.00
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9/20/2004	GMJ	Telephone conference with Linda Ganyo regarding IRS collection activity out of New York.	0.30	60.00
SUBTOTAL:			[16.40	2,920.00]
<u>CREDITORS MEETI</u>				
7/26/2004	CAS	Receive and review 341 notice; mail petition with notice to client.	0.50	62.50
8/11/2004	GMJ	Travel to 341 meeting; attend same; return to office.	2.00	400.00
SUBTOTAL:			[2.50	462.50]
<u>FEE APPLICATION</u>				
9/30/2004	GMJ	Begin Fee Application	1.00	200.00
SUBTOTAL:			[1.00	200.00]
<u>PETITION/PLAN PREPAR</u>				
7/1/2004	GMJ	Prepare amended schedules and plan.	1.50	300.00
7/8/2004	GMJ	Finalize amended schedules; finalize amended plan; Telephone conference with client regarding same.	2.00	400.00

		<u>Hours</u>	<u>Amount</u>
7/13/2004 GMJ	Conference with client regarding review and execution of conversion schedules and plan; finalize same; Telephone conference with Clerk's office regarding filing procedure; prepare same for e-filing.	1.40	280.00
7/16/2004 LAC	Preparation of documents for e-filing with Court conversion from chapter7 to chapter 13; e-filing of same	0.50	62.50
SUBTOTAL:		[5.40	1,042.50]
For professional services rendered		25.30	\$4,625.00
Additional Charges :			
\$Copies			60.00
\$Fax			20.00
\$Parking			7.00
\$Postage			78.28
Total costs			\$165.28
Total amount of this bill			\$4,790.28
Balance due			\$4,790.28

SUMMARY SHEET

UNITED STATES BANKRUPTCY COURT DISTRICT OF MINNESOTA

In Re:

Bky File No. 04-30730-GFK
Chapter 13

ROBERT EVAN COVEY

Debtor

Fees Previously Requested: \$ 0

Fees Previously Awarded: \$ 0

Expenses Previously Requested: \$ 0

Expenses Previously Awarded: \$ 0

Retainer Paid:

\$-0-

Current Application:

Fees Requested: \$2,834.72

Expenses Requested: \$165.28

FEE APPLICATION

NAME OF PROFESSIONAL TO PRACTICE	YEAR ADMITTED TO PRACTICE	HOURS BILLED CURRENT APPLICATION	RATE	TOTAL FEES FOR APPLICATION
G. Martin Johnson	1973	25.30	\$200.00	\$2,834.72

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky File No. 04-30730-GFK
Chapter 13

ROBERT EVAN COVEY

Debtor

UNSWORN CERTIFICATE OF SERVICE

I, G. Martin Johnson, declare under penalty of perjury that on October 4, 2004, I mailed copies of the foregoing Notice of Motion and Motion for Allowance of Compensation, Proposed Order and cover letter by first class mail, postage prepaid, to each entity named below at the address stated below for each entity.

See attached list

Executed on: October 4, 2004

/e/ G. Martin Johnson
G. Martin Johnson

G. MARTIN JOHNSON, LTD.

ATTORNEY AT LAW

3800 WEST OLD SHAKOPEE ROAD

BLOOMINGTON, MINNESOTA 55431

TELEPHONE (952) 881-9758

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EMAIL: gmjohnson@isd.net

12400 PORTLAND AVENUE SOUTH

SUITE 132

BURNSVILLE, MINNESOTA 55337

TELEPHONE: (952) 882-1566

Reply to X

G. Martin Johnson

Paralegal

Laurel A. Correll

Chris A. Snyder

October 4, 2004

TO ALL PARTIES ON THE ATTACHED SERVICE LIST:

Re:	Robert Evan Covey
Bky File No.	04-30730-GFK
Our File No.	2034-42002

Enclosed please find and herewith served upon you by U.S. Mail the following:

1. Notice of Motion and Motion for Allowance of Compensation and Reimbursement of Expenses by Counsel for Debtor;
2. Proposed Order.

Yours very truly,

/e/ G. Martin Johnson

G. Martin Johnson

GMJ/lc

enclosures

ROBERT EVAN COVEY
1204 POPPYSEED DRIVE
NEW BRIGHTON, MINNESOTA 55112

COVEY SUZANNE
700 5TH STREET
FARMINGTON MN 55024

INTERNAL REVENUE SERVICE
C/O JANE PEARSON
316 NORTH ROBERT STREET
STOP 5700, ROOM 320
ST. PAUL MN 55101

G. MARTIN JOHNSON
G. MARTIN JOHNSON, LTD.
3800 WEST OLD SHAKOPEE ROAD
BLOOMINGTON, MN 55431

DICKS/LAKEVILLE SANITATION
P O BOX 769
LAKEVILLE, MN 55044

INTERNAL REVENUE SERVICE
C/O STOP 5700 SPECIAL PROCEDURE
316 NORTH ROBERT STREET
ST. PAUL MN 55101

CAPITAL ONE
C/O GULF STATE CREDIT
P O BOX 550690
JACKSONVILLE FL 32255

DISCOVER
C/O DISCOVER FINANCIAL SVSC
BOX 8003
HILLIARD OH 43026

KELLER, JASMINE -CHAPTER 13 TRU
OFFICE OF THE CHAPTER 13 TRUSTE
12 SOUTH 6TH STREET
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MINNEAPOLIS MN 55402

CAPITAL ONE
BOX 85167
RICHMOND VA 23276-0001

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SUITE 200
MINNEAPOLIS MN 55422

KMC TELECOM
P O BOX 932037
ATLANTA, GA 31193-2037

CHRYSLER FINANCIAL
BOX 551080
JACKSONVILLE FL 32255

FORD CREDIT
P O BOX 94380
PALATINE IL 60094

KOHL'S
C/O CREDIORS BANKRUPTCY SVS
BOX 749033
DALLAS TX 75374

CITIBANK FINANCIAL
C/O UNITED COLLECTION BUREAU IN
5620 SOUTHWYCK BLVD
SUITE 206
TOLEDO, OH 43614-1501

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C/O INTERSTATE CREDIT CONTROL
11300 MINNETONKA MILLS ROAD
MINNETONKA MN 55305

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WILMINGTON DE 19850

CITIBANK FINANCIAL
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JACKSONVILLE FL 32232-5165

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BOX 9025
DES MOINES IA 50368

MBNA
C/O CHARLES E SOFFAR PLLC
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SUITE 600
HOUSTON TX 77042

CITIBANK/CHOISE
EXEPTION PAYMENT PROCESSING
BOX 6305
THE LAKE NV 88901

IANNAcone, MICHAEL J
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LAKE ELMO MN 55042

MINN DEPT OF REVENUE
C/O COLLECTION ENFORCEMENT DEPT
600 NORTH ROBERT STREET
ST. PAUL MN 55146

COVEY CYNTHIA
1111 CHURCH STREET #804
EVANSTON IL 60201

INTERNAL REVENUE SERVICE
C/O STOP 5700 SPECIAL PROCEDURE
316 NORTH ROBERT STREET
ST. PAUL MN 55101

NCO FINANCIAL SYSTEMS
P O BOX 41417
DEPT 2
PHILADEPHIA PA 19101

NISSAN MOTOR ACCEPTANCE
BOX 660366
DALLAS TX 75266-0366

RELIABLE MEDICAL SUPPLY
7111 WEST BORADWAY AVENUE
BROOKLYN PARK MN 55428

RESURGENT CAPITAL SERVICES
P O BOX 10587
GREENVILLE SC 29603

SEARS
C/O SEARS RECOVERY :RCCOC 8602
BOX 7901
DES MOINES IA 50322

SEARS
86 ANNEX
ATLANTA GA 30386-0001

US TRUSTEE OFFICE
ROOM 1017
301 US FEDERAL COURTHOUSE
300 SOUTHWORTH STREET
MINNEAPOLIS MN 55415

VW CREDIT
BOX 0549
CAROL STREAM IL 60132

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA

In Re:

Bky File No. 04-30730-GFK
Chapter 13

ROBERT EVAN COVEY

ORDER FOR APPROVAL OF APPLICATION OF
DEBTOR'S COUNSEL FOR FEES AND EXPENSES

Debtor

At St. Paul, Minnesota on November 1, 2004.

This matter came on for hearing before the undersigned pursuant to the Motion submitted by G. MARTIN JOHNSON, LTD. Based upon the files, records and proceedings herein,

IT IS HEREBY ORDERED:

1. That the Motion of G. MARTIN JOHNSON, LTD., dated October 1, 2004, is hereby allowed in the amount of \$2,834.72 for services rendered, and the amount of \$165.28 for the reimbursement of expenses incurred, for a total allowance in the amount of \$3,000.00.
2. That Trustee shall pay to G. Martin Johnson, Ltd., as funds become available, in accordance with the terms of Debtor's Chapter 13 Plan dated July 13, 2004, the sum of \$3,000.00.

BY THE COURT:

Dated: November 1, 2004

Bankruptcy Judge